

## **REMARKS**

Claims 1-11 are pending in this application. By this Request for Reconsideration, no claims are amended.

### **IMPROPER FINALITY**

The Office Action asserts that "Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) or rejections" (Office Action section 7, page 4) and that "Applicant's amendment necessitates the new ground(s) of rejection presented in this Office Action" (Office Action Section 9, page 4).

However, Applicant notes that claim 2 was only amended to an independent form. Thus, Applicant's amendment could not have necessitated any new grounds of rejection. It also appears that Applicant's arguments with respect to claim 2 have not been rendered moot since no new rejection has been made thereof.

Thus, regarding at least claim 2, it is respectfully submitted that either Applicant's arguments are not moot or Applicant's amendment did not necessitate new grounds of rejection. Thus it is further submitted that the April 7, 2003, Office Action has been prematurely deemed "final". Reconsideration and withdrawal of the finality of the April 7, 2003, Office Action are respectfully requested.

### **OBJECTION TO THE SPECIFICATION**

The Office Action asserts that it is not clear how the clearance is formed between the resilient member and the outer peripheral surface of the ring assemblies.

However, Applicant respectfully notes that the resilient member can be, for example, "retainers 44, 44 [which] comprises two metal rings 45, 45 longer than the

peripheral length of the outer surface of the outermost metal ring 33" (see page 12, lines 11-16). Of course, since the retainers 44, 44 are longer than the outermost metal ring 33, a space will naturally be formed between the metal ring 33 and the retainer 44.

Thus, Applicant respectfully requests reconsideration and withdrawal of the objection to the specification.

#### **SECTION 112, FIRST PARAGRAPH, REJECTION**

The Office Action rejects claims 3-10 under 35 U.S.C. § 112, first paragraph, because it is asserted that the specification does not provide any description as to how the clearance is obtained.

Applicants believe that this rejection is overcome for the reasons discussed above for the objection to the specification. Reconsideration and withdrawal of the rejection of claims 3-10 under 35 U.S.C. § 112, first paragraph, are respectfully requested.

#### **SECTION 102 REJECTION**

The Office Action rejects claims 2 and 11 under 35 U.S.C. § 102(b) as being anticipated by Sekine et al. In particular, the Office action asserts that the peripheral length of the Sekine et al. radially inner surface is longer than the radially outer peripheral surface of the metal ring assembly. This rejection is traversed.

It appears from the Sekine et al. figures that the outermost peripheral suffix assembly 15 is immediately adjacent the innermost peripheral surface of the assembly 30. Thus the outermost assembly and the innermost assemblies must have substantially the same peripheral lengths.

Thus, since the peripheral lengths are the same, Applicants respectfully submit that claim 2 can not be anticipated by Sekine et al.

Regarding claim 11, the claim requires, *inter alia*, that the “metal ring assembly is interposed between [a] radially outer edge of [a] ring slot and a saddle face of [a] metal element constituting a radially inner edge of said ring slot.”

As clearly shown in Figure 3 of Sekine et al., the belt strap 15 does not extend far enough to be under either of guide edges 22a or 22b. Thus, the belt strap 15 is clearly not “interposed between [a] radially outer edge of [a] ring slot and a saddle face of [a] metal element constituting a radially inner edge of said ring slot” as is required for present claim 11.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 2 and 11 under 35 U.S.C. § 102(b) are respectfully requested.

### **SECTION 103 REJECTION**

The Office Action rejects claim 1 under 35 U.S.C. § 103(a) as being obvious over Lecouturier et al. (U.S. Patent No. 5,123,879) in view of Sekine et al. This rejection is traversed.

The Office Action notes that Lecouturier et al. does not disclose a metal ring assembly that comprises a plurality of endless metal” (see the third sentence in section #6 of the Office Action). However, the Office Action asserts that “it would have been obvious...to replace the [Lecouturier et al.] endless elastomeric rings with metal rings...in view of Sekine et al.

Actually however, the object of the Lecouturier et al. invention “operates by dry friction and comprises at least one flexible, non-metal endless flexible connecting

element which is quasi-inextensible in the longitudinal direction and a set of non-metal transverse links” (see Lecouturier et al. column 2, lines 57-63).

Additionally, Lecouturier et al. teaches against the use of metal bands and generally non-metal transverse links, stating that “[o]il lubrication is required for the connecting elements to compensate for friction, and it is not uncommon to use special steels and employ very close tolerances [and the] devices of the prior art are often noisy...[and] after several hours or use, there is significant wear of the endless belt and the links which can result in misalignment of the transverse links and a poor operation of the entire apparatus” (see Lecouturier et al. column 1, lines 37-52).

Thus, since the object of Lecouturier et al. requires non-metal bands and generally non-metal transverse links, and because Lecouturier et al. specifically teaches against the use of metal bands and metal transverse links, Applicant does not believe that one of skill in the art would have replaced the non-metal with metal rings as asserted in the Office Action. Additionally, Applicant respectfully submits that replacing the required non-metal with metal rings would change the principle of operation, and would likely make the Lecouturier inoperative for its intended purpose.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a) are respectfully requested.

### **Conclusion**

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the

Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making reference to Attorney Docket No. 107348-00137.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert K. Carpenter". The signature is fluid and cursive, with the first name "Robert" and last name "Carpenter" clearly distinguishable. It is positioned above a horizontal line.

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